

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, September 5, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order by Council President Lantry at 3:30 p.m.

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery

Absent -1 – Thune (arrived after roll call)

CONSENT AGENDA (Items 1 - 25)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Montgomery requested Item 10 be removed for discussion. Councilmember Harris moved approval of the consent agendas as amended Adopted as amended Yeas - 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Rebecca L. Athey, Kalino G. Baker III, Steve D. Cobb, Harold C. Crump, Virginia M. Diaz, Ray D. Hurley, Tony J. Jarchow, Joel Leonard, Joe Meissner, Rodney T. Perkins, Vadim Savvateer, William E. Sjoholm, David L. Struemke, Dale G. Thell, and Shawn M. Thury.
 - Referred to Risk Management
- 2. Summons and Complaint in the matter of Prince Jones vs. the City of Saint Paul et al.
 - Referred to the City Attorney's Office
- 3. Petition for a Writ of Certiorari in the matter of DRJ, Inc. vs. the City of Saint Paul. Referred to the City Attorney's Office

- 4. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on September 19, 2007 to consider the appeal of Judith Beck and 31 neighbors to a decision of the Board of Zoning Appeals approving variances for lot coverage and setbacks to redevelop the St. Paul Church Home site for senior housing with underground parking and townhomes at 484 Ashland Avenue. (ZF 07-137-535)
- 5. Letters from the Department of Safety and Inspections/Code Enforcement declaring 64 Garfield Street, 992 James Avenue, 1457 Mechanic Avenue, and 1471 Mechanic Avenue as nuisance properties, and setting date of Legislative Hearings for September 11, 2007 and City Council public hearings for October 3, 2007.
- 6. Letters from the Department of Safety and Inspections/Code Enforcement declaring 59 Atwater Street, 705 Bidwell Street, 674 Blair Avenue, 682 Blair Avenue, 858 Burr Street, 950 Desoto Street, 977 Edgerton Street, 763 Fuller Avenue, 447-449 Fry Street, and 1587 Huron Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 7. Administrative Order:

D002675 Amending the 2007 budget in the Department of Planning and Economic Development by moving money from Pending Capital Projects to Local Match Requirement for Block 4 in the amount of \$75,500, and PED Administration in the amount of \$1,000,000.

On file in the City Clerk's Office

FOR ACTION

- 8. Approval of minutes of July 5, 2007. Adopted Yeas – 7 Nays – 0
- 9. Resolution 07-784 Recognizing the 100th Birthday of Harold "Red" Haslach, retired Saint Paul Firefighter.

Adopted Yeas - 7 Nays - 0

- 10. Resolution 07-785 Proclaiming Saturday, September 8, 2007 to be *Selby Avenue JazzFest Day* in the City of St. Paul.
 (Discussed after the consent agenda)
- 11. Resolution 07-786 Approving the application, with conditions per the Legislative Hearing Officer, for a Malt Off Sale license for Target Corporation d/b/a Target Store T2229, 1300 University Avenue West.

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-787 – Approving the application, per the Legislative Hearing Officer, for a Malt Off Sale license for International Central Market d/b/a Kenkayba's Place, 864 University Avenue West.

Adopted Yeas – 7

13. Resolution – 07-788 – Requesting a waiver of Saint Paul Neighborhood STAR Guidelines to allow Public Art Saint Paul to fund innovative traffic calming initiative designed by Steven Woodward, former Artist in Residence for the City of Saint Paul and the Department of Public Works.

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-789 – Establishing the rate of pay for the new classification of Firefighter Trainee in Grade 031 of Bargaining Unit 03, Firefighters, Local #21. Adopted Yeas – 7 Nays – 0

Navs - 0

15. Resolution – 07-790– Memorializing City Council action taken July 5, 2007 denying the appeal of Kawaljit Bhatia/Maharaja's to a decision of the Board of Zoning Appeals granting a variance to allow maneuvering for off-street loading within the public right-of-way at 211 West Seventh Street (Cossetta's). [ZF 07-095865]

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-791 – Authorizing the proper City officials to execute an agreement with Ramsey County which provides for the recording and cablecasting of Ramsey County Commission and Committee meetings.

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-792 – Authorizing the City to pay travel expenses for Fire Chief finalists for panel and Mayoral interviews.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

18. Resolution – 07-793 – Authorizing the Department of Fire and Safety Services to accept a donation of \$100.00 from RMG, Inc.

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-794 – Authorizing the proper City officials to enter into an agreement with Capital City Partnership for the City to host the 2007 Taste of Minnesota.

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-795- Authorizing the proper City officials to accept a donation of materials and labor from the Lower Phalen Creek Group and the University of Minnesota to be used in the completion of the new rain garden and associated public art installation at the Bruce Vento Trail entry as well as the ongoing maintenance of the new rain garden. Adopted Yeas – 7 Nays – 0

21. Resolution – 07-796 – Amending the spending and financing plans in the Operations and Maintenance fund, Department of Parks and Recreation, to finance the addition of two (2) Park Security FTE's, vehicles and uniforms for the Regional Park facilities.

Adopted Yeas - 7 Nays - 0

22. Resolution – 07-797 – Setting date of public hearing for October 3, 2007 for ratification of 2007 Right-of-Way Assessment Program charges to be assessed against benefited properties.

Adopted Yeas - 7 Nays - 0

23. Resolution – 07-798 – Setting date of public hearing for November 7, 2007 for proposal of 2008 Right-of-Way Maintenance Assessment Program charges to be assessed against benefited properties.

Adopted Yeas - 7 Nays - 0

24. Resolution – 07-799 – Authorizing the proper City officials to renew a five-year lease with Group Health Plan, Inc., for use of City vacant land as a parking lot to be utilized by the Como Avenue Clinic.

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-800 – Authorizing the proper City officials to sign a Joint Cooperative Agreement with the Minneapolis Department of Public Works for use of personnel and equipment in times of emergency.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

10. Resolution – 07-785 – Proclaiming Saturday, September 8, 2007 to be *Selby Avenue JazzFest Day* in the City of St. Paul.

Councilmember Montgomery read the resolution. She said usually over 5,000 people attend this event and it grows each year.

T. Michael Rambo, who performs at midtown global market, appeared and talked about the festival and the impact jazz has had on people throughout the world.

Councilmember Montgomery moved approval.

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

26. Resolution – 07-646 – Ordering the owner to remove or repair the property at 851 Conway Street within fifteen (15) days from adoption of resolution. (Laid over from August 1) (Legislative Hearing Officer's recommendation is forthcoming)

Council President Lantry moved to lay over one month.

Laid over to November 7 Yeas - 7 Nays - 0

27. Consideration of the report of the Administrative Law Judge concerning all licenses held by Hmong American Partnership, 1075 Arcade Street. (Public hearing held and laid over July 18; laid over July 25 and August 1)

Councilmember Bostrom moved to lay over 60 days at the request of the City Attorney. Laid over to November 7 Yeas - 7 Nays - 0

28. Resolution – 07-745 – Approving the application with conditions, per the Legislative Hearing Officer, for a Malt Off-Sale license by Ismael Hernandez, owner, d/b/a Flor de Isote, 935 Maryland Avenue East. (Laid over from August 22)

Councilmember Bostrom moved to refer the matter to an Administrative Law Judge Hearing due to the unsuitability of the location for the sale of alcohol. The store has limited parking and attracts a lot of pedestrians and will become an attractive nuisance. There is a high number of youth in the area as well, he said.

Referred to an Administrative Law Judge Hearing Yeas - 7 Nays - 0

29. Resolution – 07-768 – Transferring additional CDBG funds to the appropriate amended funding codes for the Neighborhood Housing Rehabilitation Program for CDCs. (Laid over from August 22)

Councilmember Helgen said Department of Planning and Economic Development (PED) staff needs additional time to work on the guidelines for the Council to review and he moved to lay over one month.

Laid over to October 3 Yeas - 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

30. Final Adoption – 07-671 – An ordinance changing Arlington Avenue from Walsh Street to Payne Avenue from a two-way street to a one-way street. (Laid over from August 22)

Councilmember Bostrom suggested this ordinance be approved as a pilot project for one year, that it be reviewed after a year, and if there are no problems with it, that it become permanent. He noted that there were plowing issues with Public Works and he's concerned with the effect this might have on other streets.

Gerry Hendrickson, Assistant City Attorney, recommended the Council pass the ordinance and have Public Works report back in one year.

Council President Lantry requested that Trudy Moloney, Director of Council Operations, ask that Public Works submit a comprehensive report after one year of implementation. Lantry said the Council should be clear as to what things they want tracked.

Councilmember Bostom moved approval.

Adopted Yeas - 7 Nays - 0

- Second Reading 07-778 An ordinance amending Chapter 9 of the Saint Paul Administrative Code, Department of Fire and Safety Services.
 Laid over to September 19 for third reading/public hearing
- 32. Second Reading 07-779 An ordinance amending Chapter 9A of the Saint Paul Administrative Code by creating new legislation entitled "Department of Emergency Management," which permits the creation of an Executive Department of Emergency Management.

Laid over to September 19 for third reading/public hearing

- Second Reading 07-780 An ordinance amending Chapter 13 of the Saint Paul Legislative Code, Emergency Management.
 Laid over to September 19 for third reading/public hearing
- 34. Second Reading 07-781 An ordinance placing the position titled Emergency Management Director in the unclassified service pursuant to Section 12.03(H) of the Saint Paul City Charter.

Laid over to September 19 for third reading/public hearing

35. First Reading – 07-801 – An ordinance establishing Sibley Street between Ninth and Tenth Streets as a one-way northbound and Temperance Street between Ninth and Tenth Streets as a one-way southbound.

Laid over to September 19 for second reading

Suspension Items:

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-824 – Waiving the 45-day notice requirement and issuing Liquor On-Sale, Sunday Liquor On-Sale 2:00 a.m. closing, and Outdoor Service Area (Patio) licenses to Wild Tymes, 33 7th Place.

Councilmember Thune moved approval.

Adopted

Yeas - 7

Nays - 0

Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-825 – Staying the order to remove the property at 1956 Feronia Avenue under C.F. 06-439 and granting an extension of time to complete repairs until September 30, 2007 or the date determined by the Department of Safety and Inspections.

Councilmember Benanav said this is the Crosby Building and they are asking for one additional stay as the property is close to completion. The City won its appeal of the Court of Appeals and the City has the authority to remove the building but progress has continued and they are about three weeks away from receiving their certificate of occupancy.

Councilmember Benanav moved approval.

Adopted

Yeas - 7

Nays - 0

Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 7 Navs - 0

Resolution – 07-826 – Appointing a committee and setting a schedule for negotiating the renewal of District Energy Saint Paul, Inc. and District Cooling Saint Paul, Inc. franchise.

Councilmember Benanav noted that the three members of this committee who will represent the City are Matt Smith, John Choi, and Trudy Moloney. They will report back

to the Council in October. If agreement is reached, an ordinance will be introduced in November.

Councilmember Benanav moved approval.

Adopted

Yeas - 7

Nays - 0

The meeting was recessed from 3:50 p.m. to 5:30 p.m.

Roll Call: Present -7 Absent -0

PUBLIC HEARINGS

36. Public hearing to consider the application of JLT Group to rezone the area generally bounded by Robert Street, Fillmore Avenue, Highway 52, and the Mississippi River to PD Planned Development. (The Bridges of Saint Paul) [ZF 07-110-903]

Lucy Thompson, Department of Planning and Economic Development, presented a staff report. The application by JLT Group is to rezone a portion of the area east of Robert Street between Robert, Lafayette Bridge, Fillmore, and the River from TN-3 I-1 and I-2 to PD (Planned Development). PD is a unique district as it does not have any of its own regulations so they zone to a project with PD. The specifics of this project were important in their deliberations. The heights, setbacks and land uses that are in this proposal are of issue with the PD district. Ms. Thompson showed the master plan for the proposed project and said 995 housing units are being proposed, about 430,000 sq. ft. of retail, 380,000 sq. ft of office space of which 340,000 is existing in the Comcast building, about 3,700 parking spaces, and a 250 room hotel.

Ms. Thompson explained the proposed layout of the development and said it is staff's opinion and the Planning Commission's recommendation that this project is in conflict with the Comprehensive Plan, sections of the Land Use Plan, Parks and Recreation Plan, Transportation Plan, and the Critical Mississippi River Corridor Plan. Generally, those concerns revolve around two issues: the scale and height of the project, and the impact it has on the sense of the river valley and its location, and the impact on views to and from the river. The second is the street and block pattern. It is proposed to be on a platform of about 30 acres of parking. Two levels of parking enter at grade on Fillmore and under the buildings going toward the levy.

The Land Use Plan, Transportation Plan, and River Corridor Plan say more urban scale blocks should be created that would break up what would be considered a super block approach to this area. These would be more traditional urban scale blocks within this project. To be consistent with the Comp Plan, Ms. Thompson said they feel it would require a redesign to reflect that street and block pattern.

In order to approve, the Council had to find that the project will not be detrimental to present or future land uses in the surrounding area. The Planning Commission had a concern on the impact of the properties behind this project south of Fillmore. It is presently low density industrial but it is felt that over the next 10 to 15 years this area is likely to change. Ms. Thompson said they would like to retain the job base but they think they will see redevelopment as the riverfront land gets more valuable. Both the impact on

views, the barrier that the Planning Commission feels this project creates between the rest of the neighborhood and the river, as well as the traffic impact and the requirement to significantly widen Fillmore Avenue would all have a negative impact on the surrounding area. The Planning Commission's finding is that that condition is not met. In order to approve, it must be shown that the project will not have an excessive burden on City parks, streets, schools, utilities, or facilities. The Planning Commission found that the project will have an excessive burden on the park system primarily in terms of the active recreation system. The existing facilities on the West Side are very over-burdened at this point and Parks' staff was concerned about adding another 2000-2500 people to that system and that it will not be able to handle the demand.

Ms. Thompson reminded the Council that they must only consider the zoning issues at this meeting. There are a set of required conditions in the PD zone and none of them speak to the financial feasibility of this project.

Jerry Trooein, representing JLT Group, addressed the concerns and oppositions to the project as well as financing. He said there are three primary areas to think about – the private area, the public area, and the financial impact on the City. On the private said, he said if they don't accomplish the business with retail leasing and with pre-sale housing, they will not be able to borrow the money needed to build the project. He reviewed the TIF financing saying it's only for infrastructure, that no money goes into the buildings, and there is no financial risk to the City.

He said this is not an issue of choosing between the project and additional cops. If they don't build the buildings and create the new taxes, there will be no money to spend. Some have suggested that if this is such a large TIF district it would harm the City's credit rating or be a detriment in the state auditor's guidelines. He said to consider Bloomington, which is a third the size of St. Paul, where they have effectively used TIF for hundreds of millions of dollars including most recently a \$60 million project that is half the size of the Bridges. These projects do not abuse guidelines, Trooein said. The size of the Bridges does not harm the chances of doing TIF in a future neighborhood. If the site qualifies for TIF, it will stand on its own merits anywhere in the City. He believes that if \$125 million of TIF is used, it will make it much easier for the City to do the next tax increment project because they will see the activity and involvement that business is being done.

Regarding the question of the financial impact on the City, the project will immediately create approximately \$2 million in new taxes through the hotel tax and the sales tax for the STAR grants, jobs, new visitors to town, and new residents. The notion of stripping downtown is no threat as no office space will be built. It will be a big help to downtown St. Paul. He contended it will not be a strain on City services and said they have the support of police and fire. It is the most efficient development ever seen in St. Paul

primarily because there will not be an abundance of new children stressing the school system. They will have their own private security system, the public space in getting to the river could now be accomplished, and with respect to the aesthetic issue, he feels it's the height that adds to the beauty of the project. This is the only plan they feel can work.

Appearing in support of the rezoning were:

Jaye Rykunyk, State Director of Unite Here, the hotel and restaurant workers union; Harry Melander, Executive Secretary of the St. Paul Building Trades; Susan Kimberly, Consultant on economic development issues for the St. Paul Area Chamber of Commerce;

Howell Shaw, Shaw Lundquist Associates, and Vice President of the National Association of Minority Contractors.

Appearing in Opposition to the rezoning were:

Patrick Seeb, Executive Director of the Saint Paul Riverfront Corporation; Hokan Miller, 227 Prescott Street, River Pilot and Towboat Dispatcher; Carol Swenson, 79 West Isabel;

Paul Labovitz, 111 Kellogg Blvd, Superintendent of the Mississippi National River and Recreation Area;

Whitney Clark, Executive Director of Friends of the Mississippi River; and Bonnie McDonald, Executive Director of the Preservation Alliance of Minnesota, 219 Landmark Center (distributed copies of the proposals and comments from the Friends of the Parks and Trails)

Councilmember Thune moved to close the public hearing. Yeas – 7 Nays – 0

Councilmember Thune said a number of people worked to bring ideas and people together and so far they have not reached a compromise. There are good people and good arguments on both sides of the issue. He feels they have made some progress, they have clarified that this proposal does include true public area. The challenge that was put to JLT is that if all the development dollars are going to pay off for TIF, taxes are going to pay off development, what's left to pay for parks, firefighters, police and all the other services that the City provides? He did not agree with Mr. Trooein that more police would not be required. He acknowledged that JLT is willing to negotiate but it's an issue that has not been resolved. As far as the river view, he said this is about seeing the entire vista of the river flats. It is something that was put into the entire context of the planning. He hopes someone can stand up and possibly bring different sides together and make this project happen in a way that is in conformance with the City's plan, is successful and has some excitement and vitality. He feels no one does not want to see that side of the river change from what it is now. Until someone can pull the two sides together, Thune said

he feels the best thing to do is to deny the application and approve the findings of the Planning Commission.

Councilmember Benanav said he truly believes Mr. Trooein is doing this project because he loves Saint Paul, but there are concerns with the development. He would like to see this more aligned with the neighborhood and also said he hopes something can be brought together.

Councilmember Helgen said one of his concerns is the affect on the majesty of the river. It should be celebrated as a public use.

Councilmember Harris said both sides are committed to St. Paul but feels this differs from the Comprehensive Plan. He would like to see the Administration take a leadership.

Council President Lantry told Mr. Trooein that keeping him engaged is a big issue and she feels they need to start over. Everyone wants to see development, but it has to be the right development.

Councilmember Bostrom said the Bridges is a catalyst for other things to happen and an opportunity for jobs. He feels it would be a great thing to happen to St. Paul.

Councilmember Montgomery spoke in support of the project.

Councilmember Thune reiterated that he thinks there's a way to make this work. Leadership is needed and he encouraged people to work together.

Councilmember Thune read a lengthy statement with his motion to deny the application and support the findings of the Planning Commission.

Application Denied Yeas -5 Nays -2 – Bostrom, Montgomery

37. Resolution – 07-802 – Approving the application for a sound level variance by St. Bernard's Parish in order to present live music, with limitations, at St. Bernard's Parish, 170 Rose Avenue, from 5:00 p.m. to 11:30 p.m. on September 8, 2007.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval. Adopted Yeas -7 Nays -0

38. Resolution – 07-803 – Approving the application for a sound level variance by the International Market Place in order to present live music, with limitations, at the International Market Place, 217 Como Avenue, from 9:00 a.m. to 6:00 p.m. on September 15 and 16, 2007.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval. Adopted Yeas - 7 Nays - 0

39. Resolution – 07-804 – Approving the application for a sound level variance by the Minnesota Music Festival in order to present live music, with limitations, at Harriet Island Regional Park from 5:00 p.m. to 10:00 p.m. on September 21, 2006 and from 12:00 Noon to 10:00 p.m. on September 22, 2007.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas-7 Nays-0

40. Resolution – 07-805 – Establishing "No Parking" from 11:00 a.m. to 2:00 a.m., except by Permit Area 9, on both sides of Milton Street from Lincoln to Goodrich Avenues.

Ken Boyd, 949 Grand Avenue, Vice President of the Grand Avenue Business Association, appeared and said right now there is not a good parking plan for the Grand Avenue business area as well as the Grand Avenue area in general. Discussions are taking place and they feel it's premature to make a decision on one particular block before there is an overall plan. They have heard from one business owner that will be affected by this new permit parking area and they do not feel it should be done piecemeal.

Ron Theri, property owner at 101 So. Milton, said he was representing home owners on Milton Street. Many of the homes on that block have nothing but on-street parking and he does not feel it's fair for the people who live there to not have parking by their homes. It's a problem in the evening as well as during the day.

Councilmember Thune said he was in agreement with Mr. Theri and people do have to be able to park in front of their homes. There are a number of efforts going forward, including the possibility of parking meters, he said.

Councilmember Thune moved approval. Adopted Yeas – 7 Nays – 0 41. Resolution – 07-806 – Giving preliminary approval for the issuance of Housing Revenue Bonds for the Highland Pointe Lofts Project.

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval. Adopted Yeas -7 Nays -0

Councilmember Harris said this is the completion of the Shepard-Davern piece that has been worked on for many years. He thanked Wally Johnson for all the work he did for the neighborhood with respect to this project.

42. Public hearing to consider the appeal of John J. Rogers to a decision of the Planning Commission approving the site plan and variance to develop on slopes steeper than 12% in the River Corridor at 2108 Douglynn Lane. [ZF 07-113295] (Public hearing continued from August 22)

No one appeared in opposition; Council President Lantry moved to close the public hearing. Yeas - 7 Nays - 0

Council President Lantry moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-827 – Memorializing City Council action taken September 5, 2007 denying the appeal, with conditions, of John J. Rogers to a decision of the Planning Commission approving the site plan and variance to develop on slopes steeper than 12% in the River Corridor at 2108 Douglynn Lane. [ZF 07-113295]

Council President Lantry said she met with the applicant and the appellant to work out the issues that would allow the person who bought the property to move forward but also protect the river corridor and the Code. She extended her appreciation to the people she worked with and said it was a very good collaborative process. There is someone who purchased a piece of property who will be able to develop it in a respectful way.

Council President Lantry moved approval. Adopted Yeas – 7 Nays – 0

43. Resolution – 07-807 – Adopting the 2007 Neighborhood STAR Large Loan and Grant Program project which falls under the Business Subsidy legislation.

No one appeared in opposition; Councilmember Helgen extended thanks to the people at United Products and the Port Authority for moving this through, as well as to the STAR Board for their recommendations.

Councilmember Helgen moved approval.

Councilmember Harris asked about the origins of the dollars. Dan Bayers, Department of Planning and Economic Development, appeared and explained the accounting saying these are STAR funds from 2007. They are allocated and put into this account and will be distributed through that account once the projects are approved by the City Council.

Councilmember Harris said they don't typically allocate sales tax money out of HRA Debt Service Fund and he questioned why it ends up there and where it comes from. Council President Lantry clarified Harris' question asking how the STAR funds flowed from the half-cent sales tax account into a line item called HRA Debt Service fund. Mr. Bayers responded that he would have to consult with Bob Hammer of PED's Accounting office to find out why it goes into that specific account. However, he said it was his understanding that the funds that are being transferred are the half-cent sales tax funds and not HRA funds. Harris said he would like to get a report regarding this issue.

Adopted Yeas - 7 Nays - 0

44. Resolution – 07-808 – Approving the petition of Gerald Frisch, d/b/a Larpenteur Estate Apartments, to vacate part of a platted street south of Larpenteur Avenue on Huron Street to allow the property owner to develop on the east side of Huron Street, although there is no building proposed within the vacated area.

Dave Nelson, Public Works/Real Estate Division, said there were two petitioners; one signed the petition and 51% of the abutting property owners were needed to have a valid petition. The City Council passed a resolution indicating that this was a hardship and the two parties were allowed to bring the petition forward.

Councilmember Helgen explained that at one time Huron Street was a through street. At some time a fence was put around the part of the street when Patrick's Lounge had to be isolated from the neighborhood. A vacation was not done at that time. When the RSVP project went through for Arlington-Pascal, that end of Huron Street on the residential side from Idaho North was cul-de-sac dead ended, and the City installed a higher quality fence. It's not a through street and is excess property which will go back to the abutting property owners. At the Larpenteur Estates, Mr. Frisch is proposing to take down some existing garages, and put in structured parking for the needs of that complex.

Arnie Kampa, owner of Patrick's Lounge, said he bought the property when there were places for ingress and egress. He feels vacating the street will take away one of his entrances and he would have to make it a one-way entrance for any west bound traffic on Larpenteur Avenue. He has concerns about accidents and emergencies and getting out of the lot. The City has never done any street maintenance but rather he has done it himself.

He did not understand Mr. Frisch's hardship when he has four entrances off of Larpenteur. He feels this is unfair and said having access to and from a place of business from both east bound and west bound traffic is needed.

Craig Norman, 1651 Huron Street, said the cul-de-sac is not good and people were turning around in his driveway because they come down the street thinking it's a through-street. If the street is closed off, big trucks will have to turn around in the parking lot coming right by his house. He first heard about the multi-level parking at Larpenteur Estates on this date and expressed concern about not hearing about it until after the fact.

Gerald Frisch, applicant, said he had no plans to submit at this time for a parking ramp but they do have plans in process to be submitted. Huron Street is about 14 ft. over the level of his parking lot. While there is some concern about a parking ramp, it will be a single level parking ramp for. They plan to landscape and make the apartment complex as attractive as it can be. They will not encroach on the neighborhood; instead, anything they do will be within the property line of Larpenteur Estates Apartments. The street is 60 ft. and there is a thirty foot space that will be vacated and will be Mr. Kampa's space. This is plenty wide for any type of vehicle to go in and out. He has a separate entrance to his property on the west side and he does not believe it will affect his operation in any way. He feels this is reasonable and appropriate.

Councilmember Helgen moved to close the public hearing and asked Mr. Frisch that when he is considering the parking development and other redevelopment in that area to find time to engage the neighbors in discussions. Councilmember Helgen noted that each property owner will get 30 feet. Discussion ensued amongst the Councilmembers.

Councilmember Helgen moved approval.

Adopted Yeas - 7 Nays - 0

45. Resolution – 07-809 – Approving the petition of Terry Miller for Land Capital Group to vacate a seven foot width of right-of-way along Pleasant Avenue south of Jefferson Avenue for future single-family development.

Rene Jewell, 1045 Pleasant Avenue, said he was representing the majority of the people who reside on this street who asked that he attend this meeting to try to gain some insight as to what's going with the vacation of the corridor that abuts against the cul-de-sac on Pleasant Avenue. They are opposed to the vacation until they know more about what will be done. He requested a moratorium on the matter until they do learn more.

Councilmember Thune asked that Terry Miller with Land Capitol meet with the neighbors.

Councilmember Thune moved to continue the public hearing two weeks. Public hearing continued to September $19 ext{ Yeas} - 7 ext{ Nays} - 0$

46. Resolution Ratifying Assessment – 07-810 – In the matter of the assessment of benefits, cost, and expenses for construction of a sanitary sewer/connection and a water main/connection at 734 Winthrop Street South. (File Nos. 18985A1 & 18985WA1)

No one appeared in opposition; Council President Lantry moved to close the public hearing and approval.

Adopted Yeas - 7 Nays - 0

47. Resolution Ratifying Assessment – 07-811 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections from January to June, 2007. [SWRP0702]

No one appeared in opposition; Councilmember Benanav moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0 (Thune not present)

48. Resolution Ratifying Assessment – 07-812 – In the matter of the assessment of benefits, cost, and expenses for the Orange/Park RSVP. [File No. 19025]

Councilmember Helgen introduced a letter from Steven Scott, Management, Inc. into the record and asked that Public Works allow for 20-year payments for property at 55 and 65 Hyacinth Avenue West.

Councilmember Helgen moved approval.

Adopted Yeas -5 Nays -0 (Harris and Thune not present)

49. Resolution Ratifying Assessment – 07-813 – In the matter of the assessment of benefits, cost, and expenses for replacement of Lead Water Service Lines, as requested by the property owners, from January to June, 2007. [0701LDSRP]

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas -5 Nays -0 (Harris and Thune not present

50. Resolution Ratifying Assessment – 07-814 – In the matter of improving Fillmore Avenue from Wabasha Street to the railroad crossing. (Assessment for street lighting only) [File No. 18983A)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas -6 Nays -0 (Harris not present)

51. Resolution Ratifying Assessment – 07-815 – In the matter of the installation of a 3-Globe Style, above standard street lighting system on the south side of Tenth Street from Wabasha to St. Peter Streets. (File No. 19035)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 7 Nays - 0

52. Public hearing to consider the appeal of George LeTendre to a decision of the Planning Commission denying renewal of determination of similar use as an outdoor restaurant for Shamrocks Grill at 1001 7th Street West. (Public hearing continued from August 15) (Zoning File 07-120-131)

Councilmember Thune said conditions have been added that were agreed to by the applicant.

George LeTendre, attorney for Shamrocks, said he reviewed the conditions with the applicant and they are in agreement.

Councilmember Thune moved to grant the appeal with conditions.

Motion of Intent – Appeal granted with conditions

Yeas -6 Nays -0 (Benanav not present)

53. Resolution – 07-756 – Ordering the owner to remove or repair the property at 472 Minnehaha Avenue East within fifteen (15) days from adoption of resolution. (Public hearing continued from August 15) (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, said the registration is complete and the bond check is in the mail, but she does not feel that is adequate. She recommended removal within fifteen days with no option for repair.

Aaron Huston, 9801 Dupont Avenue South, Bloomington, MN, real estate agent for the property, read a letter from the investor for the mortgage company saying that the property was taken back in foreclosure and they were unable to take possession of the

property until the redemption period expired on August 1, 2007. Therefore, they were unable to make any required changes or market the property. The property is currently being marketed and the City's requirements will be disclosed to any potential buyers. Mr. Huston said he had the applications filled out and the \$5,500 is being sent via Fed Ex. The property is listed for \$79,900 and he said they are willing to work with the City and get the property sold. Mr. Huston said he was not properly notified of the July hearing.

Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0

Ms. Moermond said that everyone listed on the ownership and encumbrance report received notification by certified mail. It did not include the REO as, typically, that is internal communication between the bank, realtor, etc.

Councilmember Helgen asked Ms. Moermond if she required a work plan and cost estimates on getting the building repaired. Ms. Moermond said that would be an expectation. She was proposing a stepped down version so they could provide two of the normal requirements by today's deadline. That would have secured another four weeks to do the other requirements which included developing a work plan for rehabilitation of the building and financial plan showing the wherewithal to do this.

After further discussion, Councilmember Helgen moved approval.

Adopted Yeas - 7 Nays - 0

54. Resolution – 07-816 – Ordering the owner to remove the building at 907 Burr Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, said no one appeared at the Legislative Hearing. She asked that the Council make an amendment on line 90 of page 3 to remove "rehabilitation or."

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and to amend the resolution to remove within five days.

Adopted as amended Yeas - 7 Nays - 0 (Remove within five (5) days)

55. Resolution – 07-817 – Ordering the owner to remove the building at 595 Case Avenue within five (5) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, requested the Council amend the resolution on line 92 of page 3 to remove "rehabilitation or."

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted as amended

Yeas - 7

Nays - 0

56. Resolution – 07-818 – Ordering the owner to remove the building at 335 Charles Avenue within five (5) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, requested that the Council amend page 2, line 87 to remove "rehabilitation or."

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted as amended

Yeas - 7

Nays - 0

57. Resolution – 07-819 – Ordering the owner to remove the building at 388 Goodrich Avenue within five (5) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, said no one appeared at the Legislative Hearing. She requested an amendment to Line 83 on Page 2 to remove "rehabilitation or" and recommended that the building be removed within five days with no option for rehabilitation. At the hearing it was noted that the vacant building registration fees are delinquent in the amount of \$250. A code compliance inspection has been completed but the performance bond had not been posted. Also, normally looked for is a rehabilitation plan and evidence of financing to complete the rehabilitation and those were not presented. Information was presented that work was done in the building without permits and that it currently represents a gross unsanitary structure in the neighborhood.

Eugene Hyatt, Property Manager, said he had no excuse for missing the hearing. He has spoken with Ms. Moermond and requested a new Legislative Hearing and an opportunity to renovate the property.

Appearing in opposition to rehabilitation were the following individuals who noted the many problems with the property:

Beth Murphy, 387 Goodrich Avenue; Burke Murphy, 387 Goodrich Avenue; Christy Iverson, 345 Goodrich; and Betty Moran, West 7th Street Federation. Councilmember Thune moved to close the public hearing and approval. Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

58. Resolution Ratifying Assessment – 07-759 07-855 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) at 1674 5th Street East on May 25, 2007, and weekly garbage hauling services at 125 Hyacinth Avenue West during May 17 to June 12, 2007. [J0709A2 and J0709G1]. (Laid over from August 15) (Legislative Hearing Officer recommends the following:

<u>1674 Fifth Street East</u> (J07092) - approve the assessment; and <u>125 Hyacinth Avenue West</u> (J0709G1) - approve the assessment and spread the payments over three (3) years.)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

59. Resolution Ratifying Assessment – 07-820 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) on June 1, 2007, at 1135 Magnolia Avenue East. [J0709A3] (Laid over from August 15) (Legislative Hearing Officer recommends approving the assessment and spreading the payments over two (2) years)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 6 Nays - 0 (Thune not present)

60. Resolution Ratifying Assessment – 07-821– In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed from February 1 to March 1, 2007 (J0702E); demolitions of vacant buildings at 66-68 Stevens Street East and 657 Dale Street during June 2007 (J0708C); towing abandoned vehicles from private properties during March and April 2007 (J0703V); and boarding-up vacant buildings during May, 2007 (J0704B). (GS 3041555) (Legislative Hearing Officer recommends the following:

1244 Beech Street (J0702E) - delete the assessment;

457 Charles Avenue (J0702E) - delete the assessment;

 $\underline{840\ Fuller\ Avenue}\ (J0703V)$ - approve the assessment and spread the payments over four (4) years;

765 Jackson Street (J0704B) - delete the assessment;

897 Third Street East (J0704B) - approve the assessment; and

89 Winnipeg Street (J0704B) - approve the assessment.)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas -6 Nays -0 (Thune not present)

- 61. Resolution Ratifying Assessment 07-822 In the matter of the assessment of benefits, cost, and expenses for summary abatements (property clean-up) on private properties from June 7 to July 10, 2007 (J0710A), and weekly garbage hauling services from June 18 to June 27, 2007 (J0710G). (Legislative Hearing Officer recommends the following:
 - 1140 Arkwright Street (J0710A) approve the assessment;
 - <u>1089 Burnquist Street</u> (J0710A) recommendation is forthcoming; <u>delete the assessment</u>
 - 1132 Central Avenue West (J0710A) recommendation is forthcoming; laid over to the

September 11 Legislative Hearing and the September 19 City Council Public Hearings;

- 273 Dayton Avenue (J0710A) recommendation is forthcoming; approve the assessment;
- 1461 Dale Street North (J0710A) approve the assessment;
- 1084 Earl Street (J0710A) delete the assessment;
- 663 Edmund Avenue (J0710A) approve the assessment;
- 765 Englewood Avenue (J0710A) approve the assessment; delete the assessment;
- 1045 Euclid Street (J0710A) delete the assessment;
- 996 Fremont Avenue (J0710G) reduce the assessment from a total of \$120 to a total of \$50;
- <u>2118 Grand Avenue East</u> (J0710A) reduce the assessment from a total of \$368 to total of \$100;
- 23 Isabel Street West (J0710A) delete the assessment;
- 1205 Homer Street (J0710A) delete the assessment;
- 766 Lafond Avenue (J0710A) delete the assessment;
- 440 Minnehaha Avenue East (J0710A) delete the assessment;
- 1839 Nevada Avenue East (J0710A) delete the assessment;
- 604 Oakdale Avenue (J0710A) delete the assessment;
- 899 Payne Avenue (J0710A) approve the assessment;
- 979 Randolph Avenue (J0710A) delete the assessment;
- 1295 Rice Street (J0710A) approve the assessment; delete the assessment;
- 880 Selby Avenue (J0710A) approve the assessment;
- 1592 Selby Avenue (J0710A) delete the assessment;
- 1012 Seventh Street East (J0710A) approve the assessment;
- 172 Snelling Avenue South (J0710A) delete the assessment;

<u>464 Snelling Avenue South</u> (J0710A) - recommendation is forthcoming; <u>delete the</u> assessment;

<u>472 Snelling Avenue South</u> (J0710A) - recommendation is forthcoming; <u>delete the</u> assessment

712 Snelling Avenue North (J0710A) - delete the assessment;

900 Thomas Avenue (J0710A) - approve the assessment;

225 University Avenue West (J0710A) - delete the assessment; and

880 University Avenue West (J0710A) - delete the assessment.)

Additional address:

906 Charles Avenue (J0710A) - delete the assessment.

Marcia Moermond, Legislative Hearing Officer, presented amendments as noted above.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 6 Nays - 0 (Thune not present)

62. Resolution – 07-823 – Approving the decision of the Legislative Hearing Officer on appeals for property at 1904 Princeton Avenue.

No one appeared in opposition; Councilmember Harris moved to close the public hearing Yeas - 7 Nays - 0

Councilmember Harris moved approval

Adopted Yeas - 7 Nays - 0

- 63. Appeal of Thomas Edholm to a Certificate of Occupancy, which includes Condemnation, for property at 1009 Watson Avenue.

 (Withdrawn)
- 64. Appeal of Casandra Netzke, SMRLS, on behalf of Sherry Leck, to a Certificate of Occupancy Revocation for property at <u>652 Sims Avenue</u>. (Legislative Hearing Officer recommends denying the appeal and extending the vacate date to September 17)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and deny the appeal.

Appealed denied and vacate date extended to September 17

Yeas - 7 Nays - 0

Councilmember Helgen moved to adjourn the meeting.

ATTEST:	ADJOURNED at 8:20 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Mary Erickson	November 7, 2007 Minutes approved by Council